

### **REMARKS/ARGUMENTS**

Claims 1-5, 7, 10-15, 17, 20-24 remain in the application for further prosecution. Claims 1, 12, and 22-24 have been amended.

#### **Interview Summary**

The Applicant notes with appreciation the interview with Examiner Hotaling on October 18, 2007. Pursuant to the discussions in the interview, the Applicant has amended claims 1, 12, and 22-24 to clarify the claimed subject matter that is not disclosed in the reference of record. The Examiner agreed to consider the applicant's arguments and amendments in this paper.

#### **Claim Rejections - 35 U.S.C. § 112**

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### **Claim Rejections - 35 U.S.C. § 102**

Claims 1, 5, 10, 12, 15, 20, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,695,695 ("Angel").

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 2-4, 7, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,695,695 ("Angel") in view of U.S. Patent No. 6,439,995 ("Hughs-Baird et al.").

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,695,695 ("Angel").

**Amendments to the Claims**

The present claims relate generally to a method or system of conducting a selection type wagering game involving player selection of a plurality of intermingled selectable objects superimposed over a setting in a first display image as shown in Fig. 4 of the specification. Indicia associated with the intermingled selectable objects are revealed as a result of player selection as shown in Fig. 5. After completing the selection game a second display image distinct from the first display image is displayed as shown in Fig. 6. The second display image presents the selected objects and their associated indicia in a first group in a first region as shown in Fig. 6. The second display image also presents the unselected objects and their associated indicia in a second group in a second region separated from the first region as shown in Fig. 6. The first and second groups are segregated such that the objects in the respective first and second groups are not intermingled in the second display image.

Thus, the first display image includes a particular background setting such as a picnic campground as shown in Figs. 5-6 and the intermingled objects (i.e., a picnic basket, a tent, a thermos, etc.) are part of that setting. A player selects objects to reveal award indicia such as a number of credits. After the selection game is played, a second display image as shown in Fig. 7 is provided to segregate indicia associated with selected objects (top of the image) and indicia corresponding to unselected objects (bottom of the image). For the convenience of the player the separate reveal display helps show the entire result of the game after the end of the game by segregating and displaying the items selected (with associated award values), the unselected items (with associated award values), and the total of the awards. Thus, both the selected and unselected objects are intermingled in the first display image during the game play. The selected objects and associated indicia are then displayed as an identifiable group and the unselected

objects and associated indicia are presented as another identifiable group in the second display image after the game is over. In the second display image, the objects in both groups are moved to the groups from their positions in the first image and are not intermingled.

The Angel reference is a poker type video game with a display having groups of cards (hands) in front of players seated around a table as shown in Fig. 6. A player selects a player image 60 as shown in Fig. 7 and is shown the cards associated with the selected player image while the cards of the other player images remain concealed. At the end of the game, the cards for each of the other player images are turned up as shown in Fig. 8 and the player is awarded prizes for having certain hand values and a bonus amount if the player holds the highest hand value compared to the other hands at the table. (Col. 7, ll. 10-13). The Office Action has cited Angel against the grouping of selected and unselected elements in different regions in claims 1, 12, and 22-24. The Office Action has asserted that Fig. 8 of Angel discloses all the players revealing both selected cards and unselected cards. However, Angel shows the same basic image in the displays (poker players and their hands as compared between Fig. 6 and Fig. 8) and therefore the selected and unselected cards are never intermingled in the first display, nor do the locations of the objects change as between the first and second display when all their associated indicia are revealed at the end of the game.

Claims 1, 12, and 22-24 have been amended to include the feature of displaying a plurality of intermingled selectable objects in the first display image. These claims require that the second display image is distinct from the first image. These claims also require that the second display presents the selected and unselected objects and their associated indicia from the first display in "first and second groups being segregated such that the objects in the respective first and second groups are not intermingled." The amended claims are allowable because Angel

does not disclose a second display image distinct from the first display image. Angel only discloses a single display image (a card table) as shown in Figures 6-8. Further, Angel never intermingles the objects as the hands that a player may select are not intermingled with other potential hands. The cards in Angel remain in the same location and the selected and unselected objects (cards in each of the hands) are never intermingled. Claims 1, 12, and 22-24 are thus allowable over Angel. The remaining claims depend from these claims and are similarly allowable.

Claim 23 has also been amended to clarify the features of “at least one of the indicia associated with the selected objects in the second display image being in a different location in the second display image than the respective location in the first display image of the selectable object associated with the indicia in the first display image” and “the location of at least one of the indicia associated with the unselected objects in the second display being in a different location than the location of the respective location of the selectable object associated with the indicia in the first display image” in order to overcome the objection under 35 U.S.C. 112. Claim 23 is also independently allowable over Angel because the cards in Angel remain in the same locations between the game play as shown in Figs. 6-7 and revealing all the cards in Fig. 8. Angel therefore does not disclose the objects and indicia associated with selected objects being in different locations between a first and second display as required in claim 23.

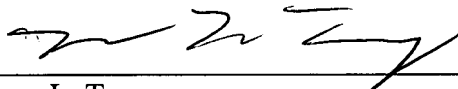
## Conclusion

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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